

FILED

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2008 NOV 24 AM 11:34

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorneys for Defendants

MAYWOOD POLICE DEPARTMENT, CITY OF MAYWOOD, CHIEF BRUCE
LEFLAR, MAYWOOD POLICE OFFICERS RINGROSE, VERVERA,
VIZCARRA, MENCHACA, GUERRERO and GARCIA

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DSF

ROBERT YANEZ,

Plaintiffs,

vs.

MAYWOOD POLICE
DEPARTMENT, CITY OF
MAYWOOD, CHIEF BRUCE
LEFLAR, MAYWOOD POLICE
OFFICERS RINGROSE #374,
VERVERA #426, VIZCARRA
#390, MENCHACA #381, RYAN
WEST #394, GUERRERO #388,
GARCIA #396, DOES 1 through 20,
Inclusive,

Defendants.

) CASE NO.: **CV08-07738 (CTx)**
)
) State Court Case No.: BC398943
)
) **NOTICE OF REMOVAL OF ACTION**
) **UNDER 28 U.S.C. SECTION 1441(b)**
) **(FEDERAL QUESTION)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

COPY

1 PLEASE TAKE NOTICE that defendants Maywood Police Department, City
2 of Maywood, Chief Bruce Leflar, Maywood Police Officers Ringrose #374, Ververa #
3 426, Vizcarra # 390, Menchaca #381, Guerrero #388 and Garcia #396 hereby remove
4 to this court the state court action described below.

5 1. On September 29, 2008, an action was commenced in the Superior Court
6 of the State of California in and for the City and County of Los Angeles, entitled
7 Robert Yanez, Plaintiff, vs. Maywood Police Department, City of Maywood, Chief
8 Bruce Leflar, Maywood Police Officers Ringrose #374, Ververa #426, Vizcarra #390,
9 Menchaca #381, Ryan West #394, Guerrero #388 and Garcia #396, Defendants, as
10 case number BC398943 attached hereto as Exhibit "A".

11 2. The first date upon which defendants Maywood Police Department and
12 City of Maywood received a copy of the said complaint was October 24, 2008, when
13 defendants were served with a copy of the said complaint and a summons from the
14 said state court. A copy of the summons is attached hereto as Exhibit "B".

15 3. This action is a civil action of which this court has original jurisdiction
16 under 28 U.S.C. section 1331, and is one which may be removed to this Court by
17 defendants pursuant to the provisions of 28 U.S.C. section 1441(b) in that it arises
18 under 42 U.S.C. sections 1983 and 1988 and the Fourth and Fourteenth Amendments
19 of the United States Constitution.

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1 4. All other defendants who have been served with Summons and
2 Complaint have joined in this Notice of Removal, as evidenced by the Joinder of
3 defendant Ryan West filed concurrently herewith.

4
5 DATED: November 21, 2008

BOHM, MATSEN, KEGEL &
AGUILERA, LLP

6
7
8 By:

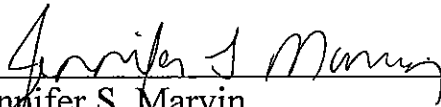

Jennifer S. Marvin
Attorneys for Defendants, MAYWOOD
POLICE DEPARTMENT, CITY OF
MAYWOOD, CHIEF BRUCE
LEFLAR, MAYWOOD POLICE
OFFICERS RINGROSE, VERVERA,
VIZCARRA, MENCHACA,
GUERRERO and GARCIA

EXHIBIT “A”

1 Antonio Rodriguez, (SBN# 51443)
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4 Los Angeles, CA 90022.
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13 Attorneys for Plaintiff, Robert Yanez

14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 **ROBERT YANEZ,**
18
19 Plaintiff,

20 vs.

21 **MAYWOOD POLICE DEPARTMENT,**
22 **CITY OF MAYWOOD, CHIEF BRUCE**
23 **LEFFLAR, MAYWOOD POLICE**
24 **OFFICERS RINGROSE #374,**
25 **VERVERA #426, VIZCARRA #390,**
26 **MENCHACA #381, RYAN WEST #394,**
27 **GUERRERO #388, GARCIA #396,**
28 **DOES 1 through 20, inclusive**

Defendants,

Case No.

COMPLAINT FOR DAMAGES

1. VIOLATION OF CIVIL RIGHTS, 42
U.S.C. §1983. (Excessive Force)
2. VIOLATION OF CIVIL RIGHTS, 42
U.S.C. §1983 (Supervisory Liability,
Pattern & Practice Causing Constitutional
Violation)

DEMAND FOR JURY TRIAL

GENERAL ALLEGATIONS

1. At all times related to this Complaint, Defendants CITY OF MAYWOOD, THE
MAYWOOD POLICE DEPARTMENT, CHIEF BRUCE LEFFLAR, MAYWOOD
POLICE OFFICERS RINGROSE #374, VERVERA #426, VIZCARRA #390,
MENCHACA #381, RYAN WEST #394, GUERRERO #388, GARCIA #396,, DOES 1
through 20, inclusive have their principal place of business in the City of Maywood,
County Los Angeles, California.

COMPLAINT FOR DAMAGES

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

SEP 29 2008

John A. Clarke, Executive Officer/Clerk

BY SHAUNYA WESLEY, Deputy

1 2. At the time of the incidents which gave rise to this complaint, plaintiff ROBERT
2 YANEZ resided in Southern California.

3 3. Defendant CITY OF MAYWOOD, (hereinafter referred to as
4 "CITY"), is a chartered subdivision of the State of California with the capacity to sue and
5 be sued. Defendant CITY is responsible for the actions, omissions, policies, procedures,
6 practices and customs of its various agents and agencies, including the CITY and
7 MAYWOOD POLICE DEPARTMENT (hereinafter referred to as "MPD") and its agents
8 and employees. At all times relevant to the facts alleged herein, Defendant CITY was
9 responsible for assuring that the actions, omissions, policies, procedures, practices and
10 customs of the MPD and its employees complied with the laws and the Constitutions of the
11 United States and of the State of California.

12 4. At all times related to this Complaint, Defendant Chief of Police, BRUCE
13 LEFFLAR (hereinafter referred to as "CHIEF") was the Chief of Police of MPD. He is
14 sued in his individual and official capacity. He was charged by law with the
15 administration of defendant MPD and for the supervision, training and hiring of persons
16 working within said MPD, including peace officers and specifically including defendants
17 MPD Officers RINGROSE #374, VERVERA #426, VIZCARRA #390, MENCHACA
18 #381, RYAN WEST #394, GUERRERO #388, GARCIA #396,, DOES 1 through 20,
19 inclusive.

20 5. Defendants RINGROSE #374, VERVERA #426, VIZCARRA #390,
21 MENCHACA #381, RYAN WEST #394, GUERRERO #388, GARCIA #396,, DOES 1
22 through 20, inclusive, were at all times mentioned herein, police officers with defendant
23 CITY and defendant MPD, acting within the course and scope of their employment and
24 under color of state law. They are sued in their individual capacities.

25 6. Plaintiff is informed and believes and thereon alleges that defendants and
26 defendants sued herein as DOES 1 through 20, inclusive, are officers, agents or employees
27 of the Defendant CITY and MPD and were at all relevant times acting in the course and
28 scope of their employment. Each defendant is the agent of the other.

1 7. Plaintiff alleges that each of the defendants named as a "DOE" was in some
2 manner responsible for the acts and omissions alleged herein, and Plaintiffs will ask leave
3 of this Court to amend this Complaint to allege such name and responsibility when that
4 information is ascertained.

5 8. The facts giving rise to this action occurred at or near the intersection of 53rd
6 Street and Everett Avenue in the City of Maywood, County of Los Angeles, State of
7 California.

8 9. This action is brought under Title 42 U.S.C. §§1983, 1988, and on the Fourth and
9 Fourteenth Amendments of the United States Constitution and pursuant to the general laws
10 of the United States and of the State of California. As to defendants CITY, MPD, CHIEF,
11 RINGROSE #374, VERVERA #426, VIZCARRA #390, MENCHACA #381, RYAN
12 WEST #394, GUERRERO #388, GARCIA #396,, DOES 1 through 20, plaintiff alleges
13 that he was subjected to unreasonable force and was assaulted and battered by Defendants,
14 or any of them on October 21, 2006 at or about 10: 30 p.m.. Defendants and each of them
15 assaulted and battered plaintiff by beating him about the head, body and limbs with fists,
16 shod fists and blunt instruments. At the time that defendants assaulted and battered
17 plaintiff, he did not pose a threat of physical harm to the officers or anyone.

18 10. As a result of the actions and omissions of the defendants, and each or them,
19 plaintiff suffered trauma, injuries and damages, including but not limited to contusions,
20 bruises, loss of consciousness and a prolonged comma requiring emergency
21 hospitalization.

22 11. At all times relevant to the facts alleged herein, defendants and each of them,
23 including Does 1 to 20, caused and are responsible for the unlawful conduct and resulting
24 by, inter alia, personally participating in the conduct, or acting jointly and in concert with
25 others who did so; by authorizing, acquiescing or failing to take action to prevent the
26 unlawful conduct; by promulgating policies and procedures pursuant to which the
27 unlawful conduct occurred; by failing and refusing, with deliberate indifference to
28 Plaintiff; and by ratifying the unlawful conduct that occurred by agents and officers under

1 their direction and control. Whenever and wherever reference is made in this Complaint to
2 any act by a defendant, such allegation and reference shall also be deemed to mean the acts
3 and failures to act of each defendant individually, jointly and severally.

4 12. The said actions and omissions of the officers, including the use of
5 unreasonable force, were done in the presence and under the supervision of Doe 3,
6 defendants' field supervisor, who failed to take action to prevent the said use of
7 unreasonable force.

8 13. Defendants RINGROSE #374, VERVERA #426, VIZCARRA #390,
9 MENCHACA #381, RYAN WEST #394, GUERRERO #388, GARCIA #396,, DOES 1
10 through 20, conspired together and falsified facts and evidence at the scene claiming that
11 plaintiff had assaulted them, thus giving them justification for the use of force to arrest
12 plaintiff.

13 14. Plaintiff alleges that the defendants' wrongful conduct caused deprivations of
14 rights, and caused him injuries and damages. Plaintiff alleges that this wrongful conduct
15 of these Defendants and does 1 to 5, legally caused Plaintiff general and special damages
16 as allowable pursuant to federal law in an amount according to proof.

17 15. The afore-described acts of defendants RINGROSE #374, VERVERA #426,
18 VIZCARRA #390, MENCHACA #381, RYAN WEST #394, GUERRERO #388,
19 GARCIA #396,, DOES 1 through 20, were done with reckless disregard of plaintiff's
20 rights and by reason thereof, plaintiffs claim exemplary and punitive damages from these
21 defendants.

22 16. By reason of the afore-described acts and omissions of said defendants, plaintiff
23 was required to retain an attorney to institute and prosecute the within action and to render
24 legal assistance to plaintiff that they might vindicate the loss and impairment of their
25 aforementioned rights; and by reason thereof plaintiff requests payment by said defendants
26 of a reasonable sum for attorney's fees pursuant to 42 U.S.C. § 1988.

27

28

CHARGING ALLEGATIONS

FIRST CAUSE OF ACTION

VIOLATION OF CIVIL RIGHTS

[42 United States Code §§ 1983, 1988 Against Defendants Ringrose #374, Ververa #426, Vizcarra #390, Menchaca #381, Ryan West #394, Guerrero #388, Garcia #396, DOES 1-5, Excessive Force)

17. Plaintiff refer to and replead each and every allegation contained in paragraphs 1 through 16 of this complaint and by this reference hereby incorporate the same herein and make each a part hereof as if set forth in full.

18. This action arises within Title 42 of the United States Code, §§1983 and 1988 of the United States Constitution, and common law principles. As more fully detailed in Paragraphs 8 and 9 of this Complaint, on October 21, 2006 Plaintiff ROBERT YANEZ was subjected to deprivation of rights by defendants, acting or pretending to act under color of law and of statutes, ordinances, regulations and customs and usages of the laws of United States, State of California and of the County of Los Angeles, which rights included, but are not limited to, privileges and immunities secured to Plaintiff and by the Constitution and laws of the United States, particularly Plaintiff's right to be free from excessive and unreasonable force in violation of his rights protected under the 4th Amendment, and caused him the injuries and damages complained of.

**SECOND CAUSE OF ACTION BY PLAINTIFF AGAINST DEFENDANTS
CITY, CHIEF, AND MPD FOR FAILURE TO TRAIN, INVESTIGATE OR
SUPERVISE CAUSING CONSTITUTIONAL VIOLATIONS AND POLICY
AND CUSTOM CAUSING CONSTITUTIONAL VIOLATIONS.**

19. Plaintiff realleges and incorporates herein by reference the allegations of the preceding paragraphs 1 through 18, inclusive, as though fully set forth herein.

20. Plaintiff are informed and believe and thereon allege that defendants CHIEF LEFFLAR, CITY and MPD and DOES 7 TO 10, inclusive, knew of, by in the exercise of reasonable care, should have known of a history, propensity and pattern, prior to and after the time of the use of unreasonable force against Plaintiff ROBERT YANEZ, the

1 preparation and submission of false reports and falsification of evidence, use unreasonable
 2 police tactics which lead to the unnecessary and unreasonable use of excessive force, or
 3 use unreasonable, out-of-policy or unconstitutional police tactics to investigate police use
 4 of force incidents to justify and cover up officers' misconduct and the use of unreasonable
 5 force by MPD officers, including, but not limited to Defendants RINGROSE #374,
 6 VERVERA #426, VIZCARRA #390, MENCHACA #381, RYAN WEST #394,
 7 GUERRERO #388, GARCIA #396, and DOES 1 through 4, Defendants knew, or in the
 8 exercise of reasonable care, should have known that LAPD employees were responsible
 9 for using unjustified force and falsely claiming that the force was justified by the suspect's
 10 actions. Prior to the use of unnecessary force upon plaintiffs, defendants Ringrose #374,
 11 Ververa #426, Vizcarra #390, Menchaca #381, Ryan West #394, Guerrero #388, Garcia
 12 #396,, Does 1 through 5, were the subject of prior complaints of allegations of similar
 13 conduct, and had been a defendant in federal and state courts alleged to have violated
 14 constitutional rights in the course and scope and under color of law of their capacities as
 15 MPD police officers.

16 21. Notwithstanding this information and history of MPD officers, including but
 17 not limited to defendants Ringrose #374, Ververa #426, Vizcarra #390, Menchaca #381,
 18 Ryan West #394, Guerrero #388, Garcia #396,, Does 1 through 4, the CITY, CHIEF and
 19 MPD, maintained a policy, pattern and/or practice to permit the hiring and retention of
 20 officers who are predisposed to violence and dishonesty, and of permitting, condoning,
 21 and ratifying violations, under color of law, of the First, Fourth and Fourteenth
 22 Amendments to the United States Constitution, by its sworn officers. Further, said
 23 defendants failed to train, supervise or discipline the MPD officers that: used excessive
 24 force, falsified evidence after a police use of excessive force; used unreasonable police
 25 tactics which lead to the unnecessary and unreasonable use of excessive force; used
 26 unreasonable, out-of-policy or unconstitutional police tactics to investigate police use of
 27 force incidents;

28 22. The CHIEF, CITY and MPD had and has a custom, practice or policy which

1 rejects and ignores the prior misconduct of an officer in imposing discipline or discharging
 2 an officer for misconduct. As a result, this custom, practice or policy results in the
 3 retention of officers such as Ringrose #374, Ververa #426, Vizcarra #390, Menchaca
 4 #381, Ryan West #394, Guerrero #388, Garcia #396,, Does 1 through 4, who have a
 5 propensity to use excessive force, falsify evidence and violate MPD policy on
 6 investigation of incidents of use of force, false arrest, falsification of evidence. This
 7 promotes and perpetuates the officer code of silence and was a moving force in the
 8 violations of Plaintiff's constitutional rights.

9 23. Furthermore, on or about October 21, 2006, and for some time prior thereto,
 10 defendants CITY, CHIEF and LEFFLAR, and Does 6 to 10, inclusive, failed to properly
 11 train, assign, supervise, investigate incidents of excessive force and false arrest and guide
 12 their officers. Defendants and Does 5 and 6, supervisors on the scene of plaintiff's arrest
 13 aided or condoned in the falsification of police records by failing to truthfully report and
 14 record the events surrounding the incident, and condoned and failed to supervise
 15 defendants Ringrose #374, Ververa #426, Vizcarra #390, Menchaca #381, Ryan West
 16 #394, Guerrero #388, Garcia #396,, Does 1 through 4. Furthermore, said defendants
 17 condoned tolerated and accepted and continue to condone, tolerate and accept the use of
 18 unreasonable force, the fabrication of evidence, false arrests and false reports.

19 24. Furthermore, on or about October 21, 2006, and for some time prior thereto,
 20 defendants CHIEF, MPD and CITY and Does 7-10, failed to fully and objectively
 21 investigate claims, reports, or allegations of misconduct by the officers under their
 22 command, including but not limited to defendants Ringrose #374, Ververa #426, Vizcarra
 23 #390, Menchaca #381, Ryan West #394, Guerrero #388, Garcia #396,, Does 1 through 4.
 24 As a result of said acts, omissions, policies and practices, MPD Officers Ringrose #374,
 25 Ververa #426, Vizcarra #390, Menchaca #381, Ryan West #394, Guerrero #388, Garcia
 26 #396,, Does 1 through 4 and others engaged in a pattern of misconduct, violations of law,
 27 violations of civil rights and were allowed to continue in their malfeasance unabated by
 28 any efforts of their superiors to halt such conduct.

1 25. Furthermore, on or about October 21, 2006, and for some time prior thereto,
2 defendants CITY, MPD and CHIEF and DOES 7-10, inclusive, allowed their officers to
3 operate without adequate leadership and supervision, such that the officers operated
4 without safeguards, audits, or reporting requirements reviewable by superiors, and that
5 because of the lack of said accountability measures, numerous officers regularly engaged
6 in a pattern and practice of violating the law, departmental policy and officers' guidelines,
7 policy and procedures on use of force, arrest and report writing, among others. As a result
8 of a said pattern of misconduct, MPD officers committed numerous acts which violated
9 the civil rights of plaintiff, other suspects, witnesses and citizens, including but not limited
10 to, the use of unreasonable impoundment of vehicles, unreasonable force, false arrests,
11 perjury, false statements, the planting of evidence, intimidation of witnesses, and a
12 general pattern of deception and withholding of material evidence.

13 21. Said acts and omissions, practices and policies by defendants CITY, CHIEF,
14 MPD and DOES 6 to 10, were the moving force behind the violation of constitutional
15 rights and damages complained of herein by plaintiffs.

16 WHEREFORE, plaintiffs pray for judgement as follows:

- 17 1. General damages in an amount to be proved;
- 18 2. Special damages in an amount to be proved;
- 19 3. Punitive and exemplary damages from defendants Ringrose #374, Ververa
20 #426, Vizcarra #390, Menchaca #381, Ryan West #394, Guerrero #388, Garcia #396,,
21 Does 1 through 20, inclusive.
- 22 4. Costs of litigation;
- 23 5. Reasonable attorney's fees pursuant to 42 U.S.C. Section 1988;
- 24 6. Such other and further relief as the court deems appropriate and just.

25
26 DATED: September 22, 2008.

27 LAW OFFICES OF ANTONIO H. RODRIGUEZ
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By: Antonio H. Rodriguez
ANTONIO H. RODRIGUEZ
Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

DATED: September 22, 2008.

LAW OFFICES OF ANTONIO H. RODRIGUEZ
WALTER GORDON, III, ESQ.

By: Antonio H. Rodriguez
ANTONIO H. RODRIGUEZ
Attorney for Plaintiffs

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ANTONIO H. RODRIGUEZ SB#051443 5429 E. Beverly Blvd. Los Angeles, CA 90022 TELEPHONE NO.: 323.869.9909 FAX NO.: 323.869.9911 ATTORNEY FOR (Name): Plaintiff Robert Yanez		FOR COURT USE ONLY CONFIRMED COPY OF ORIGINAL FILED Los Angeles Superior Court SEP 29 2008 JUDGE: Clark, DALLAS Officer/Clerk BY SHAUNYA WESLEY , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 110 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		
CASE NAME: Robert Yanez vs. Maywood Police Department, et al		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PUPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PUPD/WD (23) Non-PUPD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PUPD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Two
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: **September 26, 2008**
ANTONIO H. RODRIGUEZ

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 5 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other P/DP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other P/DP/DWD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/DP/DWD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other P/DP/DWD

Non-P/DP/DWD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-P/DP/DWD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (05)
Breach of Rental/Lease
Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(If the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

SHORT TITLE: Yanez vs. Maywood Police Department, et al.	CASE NUMBER BC398943
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7 ☐ HOURS ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (48)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A8070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A8029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input checked="" type="checkbox"/> A8005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A8010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A8013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: Yanez vs. Maywood Police Department, et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2,3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 8. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition to Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Yanez vs. Maywood Police Department, et al.	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A8151 Writ - Administrative Mandamus <input type="checkbox"/> A8152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A8153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A8150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A8003 Antitrust/Trade Regulation	1., 2., 5.
Construction Defect (10)	<input type="checkbox"/> A8007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A8006 Claims Involving Mass Tort	1., 2., 5.
Securities Litigation (26)	<input type="checkbox"/> A8035 Securities Litigation Case	1., 2., 5.
Toxic Tort Environmental (30)	<input type="checkbox"/> A8036 Toxic Tort/Environmental	1., 2., 3., 5.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A8014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A8141 Sister State Judgment <input type="checkbox"/> A8160 Abstract of Judgment <input type="checkbox"/> A8107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A8140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A8114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A8112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A8033 Racketeering (RICO) Case	1., 2., 5.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A8030 Declaratory Relief Only <input type="checkbox"/> A8040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A8011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A8000 Other Civil Complaint (non-tort/non-complex)	1., 2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Partnership Corporation Governance(21)	<input type="checkbox"/> A8113 Partnership and Corporate Governance Case	2., 5.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A8121 Civil Harassment <input type="checkbox"/> A8123 Workplace Harassment <input type="checkbox"/> A8124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A8190 Election Contest <input type="checkbox"/> A8110 Petition for Change of Name <input type="checkbox"/> A8170 Petition for Relief from Late Claim Law <input type="checkbox"/> A8100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 5. 2., 9.

SHORT TITLE: Yanez vs. Maywood Police Department, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 53rd Street and Everett Avenue	
CITY: Maywood	STATE: CA	ZIP CODE: 90270	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the L.A. Co. Superior courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 9/24/08


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

BC39824

Your case is assigned for all purposes to the judicial officer indicated below. There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Gregory Alarcon	36	410	Hon. Mary H. Strobel	32	406
Hon. Conrad Aragon	49	509	Hon. Ernest M. Hiroshige	54	512
Hon. Helen I. Bendix	18	308	Hon. Jane L. Johnson	56	514
Hon. Elihu M. Berle	42	416	Hon. Ann L. Jones	40	414
Hon. (pending)	23	315	Hon. Ruth Ann Kwan	72	731
Hon. Kevin C. Brazile	20	310	Hon. (pending)	33	409
Hon. Soussan G. Bruguera	71	729	Hon. Malcolm H. Mackey	55	515
Hon. Susan Bryant-Deason	52	510	Hon. Rita Miller	16	306
Hon. Luis A. Lavin	13	630	Hon. David L. Minning	61	632
Hon. Victoria Chaney*	324	CCW	Hon. Aurelio Munoz	47	507
Hon. Judith C. Chirlin	19	311	Hon. Mary Ann Murphy	25	317
Hon. Ralph W. Dau	57	517	Hon. Joanne O'Donnell	37	413
Hon. Maureen Duffy-Lewis	38	412	Hon. Yvette M. Palazuelos	28	318
Hon. James R. Dunn	26	316	Hon. Mel Red Recana	45	529
Hon. Mark Mooney	68	617	Hon. Alan S. Rosenfield	31	407
Hon. William F. Fahey	78	730	Hon. Teresa Sanchez-Gordon	74	735
Hon. (pending)	51	511	Hon. John P. Shook	53	513
Hon. Edward A. Ferns	69	621	Hon. Ronald M. Sohigian	41	417
Hon. Kenneth R. Freeman	64	601	Hon. Michael C. Solner	39	415
Hon. Richard Fruin	15	307	Hon. Michael L. Stern	62	600
Hon. Terry A. Green	14	300	Hon. Rolf M. Treu	58	516
Hon. Elizabeth A. Grimes	30	400	Hon. Elizabeth Allen White	48	506
Hon. Paul Gutman	34	408	Hon. John Shepard Wiley Jr.	50	508
Hon. Robert L. Hess	24	314	Hon. Mary Thornton-House	17	309
			Other		

*Class Actions

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk

By _____, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

***Class Actions**

All class actions are initially assigned to Judge Victoria Chaney in Department 324 of the Central Civil West courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for pretrial purposes and for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

NEW

from the
LOS ANGELES SUPERIOR COURT
ADR DEPARTMENT

If you have a general jurisdiction case involving one of these 6 subject matter areas:

- commercial
- employment
- medical malpractice
- real estate
- trade secrets
- unfair competition

***Your case may be eligible for the court's pilot
Early Neutral Evaluation (ENE) program.***

- ♦ **ENE can reduce litigation time and costs and promote settlement.**
- ♦ ENE is an informal process that offers a non-binding evaluation by an experienced neutral lawyer with expertise in the subject matter of the case. After counsel present their claims and defenses, the neutral evaluates the case based on the law and the evidence.
- ♦ **ENE is voluntary and confidential.**
- ♦ The benefits of ENE include helping to clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions and, if requested by the parties, assist in settlement.
- ♦ **The first three (3) hours of the ENE session are free of charge.**

See back for a list of participating pilot courthouses and departments.

For additional ENE information, visit the Court's web site at www.lasuperiorcourt.org/adr

PARTICIPATING PILOT COURTHOUSES:

(General Jurisdiction Case Only)

- **Chatsworth**
- **Pomona**
- **Santa Monica**
- **Van Nuys**
- **Stanley Mosk** (Departments listed below only.)

Department 15

Department 16

Department 28

Department 30

Department 31

Department 32

Department 38

Department 42

Department 47

Department 50

Department 52

Department 55

Department 56

Department 68

Department 71

Department 89

LOS ANGELES SUPERIOR COURT
ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKAGE
[CRC 3.221 Information about Alternative Dispute Resolution]

The plaintiff shall serve a copy of this Information Package on each defendant along with the complaint (Civil only).

What Is ADR:

Alternative Dispute Resolution (ADR) is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes, such as arbitration, mediation, neutral evaluation (NE), and settlement conferences, are less formal than a court process and provide opportunities for parties to reach an agreement using a problem-solving approach.

There are many different kinds of ADR. All of them utilize a "neutral", an impartial person, to decide the case or help the parties reach an agreement.

Mediation:

In mediation, a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

Cases for Which Mediation May Be Appropriate

Mediation may be particularly useful when parties have a relationship they want to preserve, for example, a dispute between or among family members, neighbors, or business partners. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

Cases for Which Mediation May Not Be Appropriate

Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

Arbitration:

In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. Generally, there is no right to appeal an arbitrator's decision. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision.

Cases for Which Arbitration May Be Appropriate

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

Cases for Which Arbitration May Not Be Appropriate

If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

Neutral Evaluation:

In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

Cases for Which Neutral Evaluation May Be Appropriate

Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

Cases for Which Neutral Evaluation May Not Be Appropriate

Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

Settlement Conferences:

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

LOS ANGELES SUPERIOR COURT ADR PROGRAMS**CIVIL:**

- **Civil Action Mediation** (Governed by Code of Civil Procedure (CCP) sections 1775-1775.15, California Rules of Court, rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, chapter 12.)
- **Retired Judge Settlement Conference**
- **Neutral Evaluation** (Governed by Los Angeles Superior Court Rules, chapter 12.)
- **Judicial Arbitration** (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- **Eminent Domain Mediation** (Governed by Code of Civil Procedure section 1250.420.)
- **Civil Harassment Mediation**
- **Small Claims Mediation**

FAMILY LAW (non-custody):

- **Mediation**
- **Forensic Certified Public Accountant (CPA) Settlement Conference**
- **Settlement Conference**
- **Nonbinding Arbitration** (Governed by Family Code section 2554.)

PROBATE:

- **Mediation**
- **Settlement Conference**

NEUTRAL SELECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court Party Pay Panel or may hire someone privately, at their discretion. If the parties utilize the Pro Bono Mediation or Arbitration Panel, the parties will be assigned on a random basis the name of one neutral who meets the case criteria entered on the court's website.

COURT ADR PANELS

- Party Pay Panel** The Party Pay Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$150.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Pro Bono Panel** The Pro Bono Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Pay Panel, as well as experienced neutrals who make themselves available pro bono as a way of supporting the judicial system. It is the policy of the Court that all pro bono volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Private Neutral** The market rate for private neutrals can range from \$300-\$1,000 per hour.

ADR ASSISTANCE

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

COURTHOUSE	ADDRESS	ROOM	CITY	PHONE	FAX
Antonovich	42011 4th St. West	None	Lancaster, CA 93534	(661)974-7275	(661)974-7060
Chatsworth	9425 Penfield Ave.	1200	Chatsworth, CA 91311	(818)576-8565	(818)576-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)603-3072	(310)223-0337
Glendale	600 E. Broadway	273	Glendale, CA 91206	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	316	Long Beach, CA 90802	(562)491-6272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90650	(562)807-7243	(562)462-9019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)356-5685	(626)666-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91766	(909)620-3183	(909)629-6283
San Pedro	505 S. Centre	209	San Pedro, CA 90731	(310)519-6151	(310)514-0314
Santa Monica	1725 Main St.	203	Santa Monica, CA 90401	(310)260-1829	(310)319-6130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)633-5115
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7326
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)902-2440

For additional information, visit the Court ADR web application at www.lasuperiorcourt.org (click on ADR).

Partially Funded by the Los Angeles County Dispute Resolution Program

**LOS ANGELES COUNTY
DISPUTE RESOLUTION PROGRAMS ACT (DRPA) CONTRACTORS**

The following organizations provide mediation services under contract with the Los Angeles County Department of Community & Senior Services. Services are provided to parties in any civil case filed in the Los Angeles County Superior Court. Services are not provided under this program to family, probate, traffic, criminal, appellate, mental health, unlawful detainer/eviction or juvenile court cases.

Asian-Pacific American Dispute Resolution Center
(213) 250-8190
(Spanish & Asian languages capability)

California Academy of Mediation Professionals
(818) 377-7250

Center for Conflict Resolution
(818) 380-1840

Inland Valleys Justice Center
(909) 397-5780
(Spanish language capability)

Office of the Los Angeles City Attorney Dispute Resolution Program
(213) 485-8324
(Spanish language capability)

Los Angeles County Bar Association Dispute Resolution Services
toll free number 1-877-4Resolve (737-6583) or (213) 896-6533
(Spanish language capability)

Los Angeles County Department of Consumer Affairs
(213) 974-0825
(Spanish language capability)

The Loyola Law School Center for Conflict Resolution
(213) 736-1145
(Spanish language capability)

Martin Luther King Legacy Association Dispute Resolution Center
(323) 290-4132
(Spanish language capability)

City of Norwalk
(562) 929-5603

DRPA Contractors do not provide legal advice or assistance, including help with responding to summonses. Accessing these services does not negate any responsibility you have to respond to a summons or appear at any set court date. See the reverse side of this sheet for information on the mediation process and obtaining legal advice.

THIS IS A TWO-SIDED DOCUMENT.

What is the goal of mediation?

The goal is to assist the parties in reaching a mutually acceptable agreement or understanding on some or all of the issues. The parties jointly become the primary decision maker in how to resolve the issues as opposed to the traditional judge and/or jury system.

Do I need an attorney for this?

While it is recommended to have an attorney and/or receive legal advice before the mediation starts, you are not required to have representation. If you do have an attorney, they may participate in the mediation with you.

How long does it take?

Face-to-face mediations generally last one to three hours. Telephone conciliations, in which the parties do not meet face to face, vary from a few days to several weeks. Much depends on the number of parties involved and the complexities of the issues. When the mediation takes place depends on parties scheduling availability.

A Mediator helps parties. . .

- ◆ Have productive discussions
- ◆ Avoid or break impasses
- ◆ Defuse controversy
- ◆ Generate options that have potential for mutual gain
- ◆ Better understand each other's concerns and goals
- ◆ Focus on their interests rather than their positions

A Mediator does not...

- ◆ Provide advice or opinions
- ◆ Offer legal information
- ◆ Make decisions for parties
- ◆ Represent or advocate for either side
- ◆ Judge or evaluate anyone or anything
- ◆ Conduct research
- ◆ "Take Sides"

What does it cost?

The first three hours of any mediation are free. Thereafter, charges are based on income or revenue. All fees are waived for low-income individuals.

Legal Advice/Information

If you want to retain an attorney, a list of state certified referral services is at courtinfo.ca.gov which also has an on-line self help legal center.

Self-Help Legal Access Centers are at the Inglewood, Palmdale, Pomona, and Van Nuys courthouses. nls-la.org and lafla.org

What is the difference between the contractors listed and the Superior Court ADR Office?

The services offered by the contractors listed may be accessed immediately. Those offered by the Superior Court ADR Office, also a DRPA contractor, may not be accessed by parties until a court appearance, or at the directive of the judge assigned to the case.

Court Personnel can answer non-legal questions (forms, fees, fee waivers). lasuperiorcourt.org

Low-income individuals may qualify for help from non-profit legal organizations. Court Personnel and DRPA contractors have such listings.

Dispute Resolution Programs Act (DRPA) Grants Administration Office
(213) 738-2621

(The DRP Office is not a Superior Court Office. Consult your phone directory to locate the number of the Court Office on your summons.)

THIS IS A TWO-SIDED DOCUMENT.

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)			CASE NUMBER:

The undersigned parties stipulate to participate in an Alternative Dispute Resolution (ADR) process in the above-entitled action, as follows:

- ☐ Mediation
☐ Non-Binding Arbitration
☐ Binding Arbitration
☐ Early Neutral Evaluation
☐ Settlement Conference
☐ Other ADR Process (describe): _____

Dated: _____

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

☐ Additional signature(s) on reverse

Short Title	Case Number
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Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

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☐ Plaintiff ☐ Defendant ☐ Cross-defendant

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Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

EXHIBIT “B”

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Maywood Police Department, City of Maywood, Chief Bruce Leflar,
Maywood Police Officers Ringrose #374, Ververa #426, Vizcarra #390,
Menchaca #381, Ryan West #394, (See attachment to Summons)

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Robert Yanez

10-23-JBP04:29 RCVD

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY

OF ORIGINAL FILED
Los Angeles Superior Court

SEP 29 2008

John A. Clarke, Executive Officer/Clerk

BY SHAUNYA WESLEY, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Los Angeles Superior Court, Central District
111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

BC398945

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Law Offices of Antonio H. Rodriguez Tel: 323-869-9911 Fax: 323-869-9911
5429 E. Beverly Blvd., Los Angeles, CA 90022

DATE:
(Fecha)

SEP 29 2008

Clerk, by
(Secretario)

S. WESLEY

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- | | |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. ☐ by personal delivery on (date):

ATTACHMENT TO SUMMONS

Guerrero #388, Garcia #396, DOES 1 through 20, inclusive